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SERIAL NUMBER 077739-014	FILING DATE 07/31/91	FIRST NAMED INVENTOR YAMAMOTO J	ATTORNEY DOCKET NO. 2307U-237-37
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BARND, D EXAMINER

ART UNIT 1813	PAPER NUMBER 3
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DATE MAILED: 11/04/91

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned: 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-13 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-13 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Applicant is advised that a response to this requirement must include an identification of the species that is selected consistent with this requirement, and a listing of all claims available thereon, including any claim subsequently added. An argument that a generic claim is allowable or that all claims are generic is insufficient unless supported by an election.

Applicant is advised that a response to 37 C.F.R. 1.101 to elect a single claim and species for prosecution on the merits to which the claim will be prosecuted if no generic claim is finally held to be allowable. Currently, claims 1, 2, 3, and 7 are generic.

Applicant is advised that a response to this requirement must include an identification of the species that is selected consistent with this requirement, and a listing of all claims available thereon, including any claim subsequently added. An argument that a generic claim is allowable or that all claims are generic is insufficient unless supported by an election.

If the allowance of a generic claim, applicant will be entitled to prosecution of claims to additional species which may require a separate fee or otherwise include all the claims of an allowed generic claim as provided by 37 C.F.R. 1.101. If a claim was added after the election, applicant must identify which species will support the elected species. M.P.P. 100,000.

Should applicant agree to the ground that the species are not genetically distinct, applicant should submit evidence or affidavits with evidence now or hereafter showing the species to be distinct. In order to clearly admit on the record that this is the case. To wit: a listing of all generic claims and of the species to which each is directed. If the species are not distinct, applicant will be required to pay the fee of 37 C.F.R. 1.101 of the election. M.P.P. 100,000.

Applicant is advised that the response to this requirement must be complete on or before the date of the election. A response received after the election will be considered as a response to 37 C.F.R. 1.101.

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20. Applicant must submit a statement of work history, including a list of all employers, dates of employment, and a description of duties performed. This statement must be completed in accordance with SF C.F.R. 1.171(a) and must be signed by the applicant. Any statement of responsibility must be accompanied by a statement of the applicant's signature. SF C.F.R. 1.171(b) and by the fingerprint card SF C.F.R. 1.171(c).


21. Papers related to this application may be submitted to Group 100 by facsimile transmission. Papers should be sent to Group 100 via the PTO Fax Center located in Crystal Mall II. The faxing of such papers must comply with the notice published in the Official Gazette, 1990 OF 20 (November 15, 1990). The PTO Fax Center telephone number is (703) 306-4007.

22. The Group and/or Art Unit location of your application in the PTO has changed. To aid in processing any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1873.

23. Any inquiry concerning this consideration or consider communication from the outside should be directed to the PTO's Read Room telephone number is (703) 306-3000. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 100 telephone number is (703) 306-2100.

04/11/90

Christine Nucker, P.E.


CHRISTINE NUCKER
PRIMARY EXAMINER
ART UNIT 1873